

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES
DEBTORS**

**CASE NO 98-10612-ESL
CHAPTER 13**

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES**

PLAINTIFFS

Vs.

**COOPERATIVA DE AHORRO Y CREDITO
NUESTRA SEÑORA DE LA CANDELARIA;
JOHN DOE and JANE ROE;
X,Y, AND/OR Z INS. COS.**

ADV. NO.: 11-00151

**VIOLATION OF DISCHARGE
INJUNCTIVE RELIEF /
CONTEMPT/DAMAGES**

DEFENDANTS

**JOSE CARRION MORALES
CHAPTER 13 TRUSTEE/PARTY IN INTEREST
CASE # 11-02484**

**OPPOSITION TO DEFENDANT'S MOTION
FOR CONTINUANCE OF PRE-TRIAL CONFERENCE**

TO THE HONORABLE COURT:

COME NOW, the Plaintiffs in the above-referenced adversary proceeding and most respectfully state and pray as follows:

1. Pending is a motion filed by the Defendant in this proceeding, CandelCoop, requesting the continuation of the pre-trial conference on the grounds of medical hardship of one its

attorneys. (Dkt. 25) (“motion for continuance”) For the reasons stated below, the

Plaintiffs oppose any continuance and pray that the motion be denied.

2. First, a little history of this case. Upon Plaintiffs’ motion, the main bankruptcy 98-10612 was reopened by order entered on February 24, 2011. (Bkcy. Dkt. 15 - 18) The Defendant was given notice of the motion to reopen by counsel and of the order to reopen by the Court, but did not answer or oppose reopening the case. (Bkcy. Dkt. 17, 19)
3. After Plaintiffs informed of the status of the proceeding and Defendant’s refusal to move forward or settle (Bkcy. Dkt. 20), a status conference was noticed and held on June 24, 2011. (Bkcy. Dkt. 21) Again the Defendant was given notice by Plaintiffs’ counsel and by the Court (Bkcy. Dkt. 22), but it did not answer or attend. Yet, the Plaintiffs were caused to promptly move the proceeding forward, or risk dismissal. (Bkcy. Dkt. 23)
4. Upon Plaintiffs’ filing of the complaint, an initial pre-trial conference was ordered by the Court and, as amended, is currently scheduled for November 18, 2011. (Dkt. 9).
5. The Defendant moved for an extension of time to answer the complaint only after facing a motion for default judgment, over fifty days after it received notice of the action, claiming it was confused as to what constitutes proper service of process in this district. (Dkt. 14, 15) Which brings us to the instant motion for continuance by CandelCoop.
6. The motion for continuance is signed by two attorneys: Lcdo. Roberto Maldonado and Lcda. Cynthia Navarro. We empathize with our colleague Lcdo. Roberto Maldonado and sincerely wish him a prompt and complete recovery from his ailment. There is no need to file medical evidence to support the motion, for we take his representations on this matter as truthful.
7. Yet, as disclosed in the motion for continuance, this serious ailment has been affecting

him for over three weeks. It seems unreasonable for CandelCoop to file for continuance only four days before the scheduled conference, given Plaintiffs' preparations for the same and the history of delays in the case. Furthermore, nothing is said in the motion about the inability for co-counsel, Lcda. Cynthia Navarro, to attend the hearing.

8. We note that the motion for continuance fails to explain how, or on what legal grounds, was the Defendant supposed to be taking and/or compelling discovery from Plaintiffs, without first holding the Federal Rule of Bankruptcy Procedure, Rule 26(f) conference between the attorneys for the parties, also required by Local Bankruptcy Rule 7026-1(b).
9. We pray the Court reviews dockets 23 and 24 before continuing this proceeding wherein the Plaintiffs were caused to file a unilateral pre-trial report and discovery plan, precisely because to this date, the Defendant has failed to abide by local law and practice and has not answered the undersigned attorney's multiple contacts to meet and confer.
10. The Plaintiffs reiterate their prayer for relief in docket 23; they express their opposition to any further delays in the proceeding and pray the Court denies the motion for continuance.

WHEREFORE, the Plaintiffs pray that the Court take notice of the Plaintiffs' opposition to the Defendant's motion for continuance and deny the same.

RESPECTFULLY SUBMITTED, in Arecibo, Puerto Rico this 15th day of November, 2011.

/s Edwin Matos Maldonado
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CERTIFICATE OF SERVICE

We hereby certify that a copy of the foregoing paper was sent to the U.S. Trustee, to the Office of the Chapter 13 Trustee and to counsel for Defendant, CandelCoop, through the Court's electronic filing system at the email address on file with the Court.

RESPECTFULLY SUBMITTED, in Arecibo, Puerto Rico this 15th day of November, 2011.

/s Edwin Matos Maldonado
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